

KAREN P. HEWITT
United States Attorney
PAUL L. STARITA
Assistant U.S. Attorney
California State Bar No. 219573
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893
Telephone: (619) 557-6507/(619) 235-2757 (Fax)
Email: paul.starita@usdoj.gov

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | Criminal Case No. 08CR0802-JAH |
| |) | |
| Plaintiff, |) | Honorable John A. Houston |
| |) | Hearing: May 27, 2008 |
| v. |) | Time: 8:30 a.m. |
| |) | |
| JOSE JUAN FERNANDEZ, |) | PLAINTIFF UNITED STATES' NOTICE OF |
| |) | MOTIONS AND MOTIONS <u>IN LIMINE</u> TO: |
| Defendant. |) | |
| |) | (A) EXCLUDE ALL WITNESSES |
| |) | EXCEPT CASE AGENT; |
| |) | (B) PROHIBIT REFERENCE TO |
| |) | PUNISHMENT, ETC.; |
| |) | (C) PRECLUDE SELF-SERVING |
| |) | HEARSAY; |
| |) | (D) LIMIT CHARACTER EVIDENCE; |
| |) | (E) PRECLUDE EVIDENCE OF |
| |) | DURESS AND NECESSITY; |
| |) | (F) ADMIT EXPERT TESTIMONY |
| |) | BY THE UNITED STATES; |
| |) | (G) PRECLUDE EXPERT TESTIMONY |
| |) | BY DEFENSE; |
| |) | (H) ADMIT "404(B)" EVIDENCE; AND |
| |) | (I) PRODUCE RECIPROCAL |
| |) | DISCOVERY. |

TO: DAVID M. C. PETERSON, ESQ., COUNSEL FOR DEFENDANT

PLEASE TAKE NOTICE that on May 27, 2008, at 8:30 a.m., or as soon thereafter as
counsel may be heard, the plaintiff, UNITED STATES OF AMERICA, by and through its counsel,
Karen P. Hewitt, United States Attorney, and Paul L. Starita, Assistant United States Attorney, will
ask this Court to enter an order granting the following motions:

08CR0802-JAH

MOTIONS

The plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Paul L. Starita, Assistant United States Attorney, pursuant to the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order granting the following motions:

- (A) **EXCLUDE ALL WITNESSES EXCEPT CASE AGENT;**
- (B) **PROHIBIT REFERENCE TO PUNISHMENT, ETC.;**
- (C) **PRECLUDE SELF-SERVING HEARSAY;**
- (D) **LIMIT CHARACTER EVIDENCE;**
- (E) **PRECLUDE EVIDENCE OF DURESS AND NECESSITY;**
- (F) **ADMIT EXPERT TESTIMONY BY THE UNITED STATES;**
- (G) **PRECLUDE EXPERT TESTIMONY BY DEFENSE;**
- (H) **ADMIT "404(B)" EVIDENCE; AND**
- (I) **PRODUCE RECIPROCAL DISCOVERY.**

These motions are based upon the notice of motions and are supported by the attached statement of facts and memorandum of points and authorities.

DATED: May 13, 2008

Respectfully Submitted,

KAREN P. HEWITT
United States Attorney

/s/ Paul L. Starita
PAUL L. STARITA
Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America
Email: paul.starita@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE JUAN FERNANDEZ,

Defendant.

Case No. 08CR0802-JAH

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, PAUL L. STARITA, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of United States' Motions In Limine to: **EXCLUDE ALL WITNESSES EXCEPT CASE AGENT; PROHIBIT REFERENCE TO PUNISHMENT, ETC.; PRECLUDE SELF-SERVING HEARSAY; LIMIT CHARACTER EVIDENCE; PRECLUDE EVIDENCE OF DURESS AND NECESSITY; ADMIT EXPERT TESTIMONY BY THE UNITED STATES; PRECLUDE EXPERT TESTIMONY BY DEFENSE; ADMIT "404(B)" EVIDENCE; AND PRODUCE RECIPROCAL DISCOVERY** together with statement of facts and memorandum of points and authorities on the following by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

1. David M. C. Peterson, Esq., Federal Defenders of San Diego, Inc.
Attorneys for Defendant

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

1. N/A.

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2008.

/s/ Paul L. Starita

PAUL L. STARITA